

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Philip D. Swain, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), currently assigned to the Billings Field Office. I have been employed by the ATF since September 2013. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (“FLETC”). I have also completed ATF Special Agent Basic Training course. While attending the academies at FLETC in Glynco, Georgia, I received specialized training concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the National Firearms Act within Title 26 of the United States Code. As such, I am an investigative or law enforcement officer of the United States, within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for offenses enumerated by 18 U.S.C. § 2516. Your Affiant is involved in the investigation of a suspected violation of Federal laws by Gene Christian Collins, a person prohibited from possessing firearms.

II. DESCRIPTION

2. This Affidavit is submitted in support of a Criminal Complaint requested for Gene Christian Collins, charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an ATF Special Agent, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

III. PROBABLE CAUSE

3. On November 28, 2018, Billings Police Department Officers were flagged down by Denny's employees at 501 N. 27th Street, Billings, MT, 59101. The employees said that two suspect passed a counterfeit \$100 bill to pay for their meal. They provided a description of the male and female suspects.
4. The officers located the two suspects, identified as Heather Martell and Gene Christian Collins, near the 2700 block of 8th Avenue North. While being interviewed, Collins fled from the officers on foot. An officer

followed Collins. While fleeing, the officer observed Collins remove a handgun from his pocket and throw the handgun. The officers eventually caught Collins and arrested him on an outstanding arrest warrant. The officers then recovered a loaded Ruger, model SP101, .357 Magnum caliber revolver (S/N: 574-29490) that Collins had thrown.

5. Your affiant interviewed Collins at the Yellowstone County Detention Facility after his arrest on November 28, 2018. Collins was advised of his *Miranda* rights and agreed to speak to your affiant. Collins said that he purchased the firearm earlier in the day, he ran from police because he had the firearm, and he threw the firearm while being chased by the police officers. Collins also said that he previously possessed a different handgun on October 30, 2018, in Billings.
6. The aforementioned firearm, the Ruger, model SP101, .357 Magnum caliber revolver (S/N: 574-29490), is a firearm as defined in Title 18, United States Code (USC), Chapter 44, Section 921(a)(3), and was not manufactured in the State of Montana and therefore traveled in and affected interstate commerce.
7. On November 28, 2018, your affiant reviewed criminal history for Gene Christian Collins. Collins was convicted of Bank Robbery on April 3, 2000

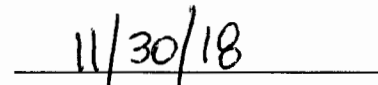
out of the United States District Court, Central District of California. This conviction prohibits Collins from possessing firearms.

IV. CONCLUSION

8. Based on the above information, observations and investigation, on November 28, 2018, in Yellowstone County, Montana, in the State and District of Montana, **Gene Christian Collins**, committed the crime of Felon in Possession of a Firearm, in violation of 18 U.S.C. 922(g)(1).
9. I swear that the facts presented herein are true and accurate to the best of my knowledge.




Philip D. Swain, ATF Special Agent



Date

SUBSCRIBED TO AND SWORN BEFORE ME THIS 30 DAY OF NOVEMBER, 2018.



Honorable Judge Timothy J. Cavan
United States Magistrate Judge
District of Montana